

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

May 27, 1948
10:30 A.M.

Council Chamber, City Hall

The meeting was called to order, with Mayor Miller presiding.

Roll call

Present : Councilmen Bartholomew, Glass, Johnson, Mayor Miller; 4

Absent : Councilman Thornberry - 1

Present also: Gupton Morgan, City Manager; Trueman E. O'Quinn, City Attorney; R. D. Thorp, Chief of Police.

The reading of the Minutes was dispensed with.

W. I. Kocurek, Member of the Board of Trustees of the Austin Public Schools, and Dr. J. W. Edgar, Superintendent of Schools, submitted to the City Council the following written communication from the Board of Trustees:

"May _____, 1948

To the Honorable City Council
of the City of Austin, Texas:

We, the Board of School Trustees for the Independent School District of Austin, respectfully petition your Honorable Body to order an election as provided by law by the vote of the qualified property taxpayers of the City of Austin and the Independent School District of Austin, on the following proposition:

" Shall the City Council of the City of Austin be authorized and empowered under Article XII of the existing Charter of the City of Austin, Section 2, Sub-Section 2, annually to levy, assess, and collect a public school maintenance tax not exceeding one dollar and fifteen cents on the one hundred dollars' worth of taxable property in the City of Austin and the Independent School District of Austin, in

lieu and in place of the public school tax of seventy cents on the one hundred dollars' worth of taxable property now authorized by the Charter of the City of Austin, to be levied, assessed, and collected for school purposes, said maximum tax of one dollar and fifteen cents being an increase of forty-five cents on the one hundred dollars' worth of taxable property in addition to the present authorization of seventy cents on the one hundred dollars' worth of taxable property in said Charter. "

The Board of Trustees for such schools shall determine and advise the City Council as to what amount of said tax, within the maximum limit fixed by vote of said qualified taxpayers, shall be levied and collected each year, and the City Council shall levy the amount so determined, but if any time said board fails so to determine and advise the City Council, the City Council shall levy such tax at the same rate as levied for the last preceding year.

(Sgd) R. W. Byram
President, Board of School
Trustees Independent
School District of the
City of Austin.

" Mrs. Hal P. Bybee
" Mrs. O. D. Weeks
" Fred H. Nagle, Jr.
" W. I. Kocurek
Members of the Board of
School Trustees of the
Independent School District
of the City of Austin. "

After some discussion, it was moved by Councilman Johnson, seconded by Councilman Glass, that the following resolution be adopted:

(RESOLUTION)

A RESOLUTION PROVIDING THAT NOTICE BE GIVEN OF THE INTENTION OF THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, TO SUBMIT TO THE QUALIFIED PROPERTY TAXPAYERS OF SAID CITY OF AUSTIN AND OF THE INDEPENDENT SCHOOL DISTRICT OF AUSTIN FOR ADOPTION OR REJECTION A CERTAIN PROPOSITION AS TO THE LEVY AND COLLECTION OF A PUBLIC SCHOOL MAINTENANCE TAX NOT EXCEEDING ONE DOLLAR AND FIFTEEN CENTS ON THE ONE HUNDRED DOLLARS' WORTH OF TAXABLE PROPERTY IN THE CITY OF AUSTIN AND THE INDEPENDENT SCHOOL DISTRICT OF AUSTIN.

WHEREAS, the Board of Trustees of the Austin Public Free Schools, a separate and independent school district under the Constitution and laws of the State of Texas, has requested the City Council to submit to the qualified property taxpayers of the City of Austin and the Independent School District of Austin a certain proposition by which the City Council

would be authorized annually to levy, assess, and collect a public school maintenance tax not exceeding One Dollar and Fifteen Cents on the One Hundred Dollars' worth of taxable property in the City of Austin and in the Independent School District of Austin; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

SECTION 1. That in compliance with the request of the Board of Trustees of the Austin Public Free Schools, a separate and independent school district under the Constitution and laws of the State of Texas situated in the City of Austin, Texas, the City Council declares its intention to pass an ordinance on the 18th day of June, 1948, for the purpose of submitting to the qualified property taxpayers of the City of Austin, at an election to be held for that purpose, the following proposition:

PROPOSITION

"Shall the City Council of the City of Austin be authorized and empowered under Article XII of the existing Charter of the City of Austin, Section 2, Sub-Section (2), annually to levy, assess, and collect a public school maintenance tax not exceeding one dollar and fifteen cents on the one hundred dollars' worth of taxable property in the City of Austin and the Independent School District of Austin in lieu of the public school tax of seventy cents on the one hundred dollars' worth of taxable property now authorized by the Charter of the City of Austin to be levied, assessed, and collected for school purposes, said maximum tax of one dollar and fifteen cents being an increase of forty-five cents on the one hundred dollars' worth of taxable property in addition to the present authorization of seventy cents on the one hundred dollars' worth of taxable property in said Charter. "

SECTION 2. That the Mayor is authorized and instructed to publish a copy of this Resolution in a newspaper published in the City of Austin as notice of the intention of the City Council to submit at an election the certain proposition hereinbefore set out; and said copy of this Resolution when marked "NOTICE OF INTENTION TO SUBMIT SCHOOL TAX PROPOSITION", signed by the Mayor and attested by the City Clerk and published as hereinafter provided, shall be due notice thereof.

SECTION 3. That said notice shall be published in a newspaper published in the City of Austin, as aforesaid, for ten days, the first publication of which shall be twenty days prior to the date on which the proposed ordinance is to be passed as set out in Section 1 of this Resolution.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller

Noes : None

Absent: Councilman Thornberry

Councilman Glass then offered the following resolution and moved, seconded by Councilman Johnson, that same be adopted:

(RESOLUTION)

A RESOLUTION PROVIDING THAT NOTICE BE GIVEN OF THE INTENTION OF THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, TO SUBMIT TO THE QUALIFIED VOTERS OF SAID CITY OF AUSTIN FOR ADOPTION OR REJECTION CERTAIN AMENDMENTS TO THE EXISTING CHARTER OF SAID CITY.

WHEREAS, the City Council deems it advisable to submit to the qualified voters of the City of Austin certain amendments to the existing Charter of said City; and

WHEREAS, the Charter of the City of Austin has not been altered or amended within two years next preceding this date; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

SECTION 1. That it is the intention of the City Council to pass an ordinance on the 18th day of June, 1948, for the purpose of submitting to the qualified voters of the City of Austin, at an election to be held for that purpose, the following amendments to the existing Charter of said City:

CHARTER AMENDMENT NO. 1

Shall Article XII of the existing Charter of the City of Austin, wherein are defined certain powers which the City Council may exercise by ordinance to levy and collect an annual tax, be amended so that Section 2 and Sub-Section (1), Sub-Section (2), and Sub-Section (3) shall read hereafter as follows:

"Section 2. The City Council shall have the power within the City by ordinance to levy, assess, and collect an annual tax, not exceeding for all municipal purposes, excluding taxes levied for the support of public schools, two percent of property values within said City, as follows:

(1) For Current Expenses and General Improvements. - An annual tax on all property within the limits of said City made taxable by law for state and county purposes, the money raised by said taxes to be used for current expenses and for general improvement of the City and its property.

(2) For Interest and Sinking Fund on Bonded Debt. - To raise such further amount as may be necessary to pay interest and two percent sinking fund annually on all bonded debts of the City of Austin.

(3) For School Purposes - Tax Rate - How Determined - Limitation. - To raise, in addition to taxes levied for municipal purposes, such further amount as may be necessary for the maintenance of the public schools of the City not to exceed the maximum fixed, determined, and approved by vote of the qualified property taxpayers of the City of Austin and the Independent School District of Austin. The Board of Trustees for such schools shall determine and advise the City Council as to what amount of said tax, within the maximum limit fixed by vote of said qualified property taxpayers, shall be levied and collected each year, and the City Council shall levy the amount so determined, but if at any time said board fails so to determine and advise the City Council, the City Council shall levy such tax at the same rate as levied for the last preceding year. Provided, the public school tax of seventy cents on the one hundred dollars' worth of taxable property authorized by the Charter of the City of Austin, prior to adoption of this amendment, to be levied, assessed, and collected for school purposes, shall remain in force and effect until changed by a vote of the qualified property taxpayers of the City of Austin and the Independent School District of the City of Austin. #

CHARTER AMENDMENT NO. 2

Shall Article XII of the existing Charter of the City of Austin, wherein are defined certain powers which the City Council may exercise in raising money on the credit of the City for special and definite purposes by issuing bonds, be amended so that Sub-Section (4) of Section 2 of said Article XII shall read hereafter as follows:

"(4) Issuance of Bonds - Limitations - Election - Acreage Property. - To raise money on the credit of the City for a special and definite purpose, by issuing bonds of the City, or otherwise, provided that said bonds shall have first been authorized by a majority vote by the duly qualified property tax-paying voters voting at an election held for that purpose in the City of Austin. All persons owning property, real or personal, subject to taxation in said City on the first day of January next preceding any election that may be held to obtain such consent, may be deemed to be persons who pay taxes on property in said City. Such election shall be ordered by the City Council and notice thereof shall be given by the Mayor in such manner as may be prescribed by the City Council; provided, that whatever power the City Council may have possessed or acquired under the charter in force in said City prior to the adoption of this amendment, through any election held under said charter to increase the indebtedness of said City, is hereby continued and perpetuated in said Council, and may be exercised under this amendment with the same effect that such power might have been exercised under said charter if this amendment had

not been adopted; provided, that lands within the limits of the City which have not been laid off into blocks and lots shall not be assessed for taxes otherwise than by the acre, and shall continue to be so assessed and taxed, until laid off into lots and blocks by the owners thereof, and the owners of such lands, in laying off the same into lots and blocks, shall so arrange the streets that they shall correspond, as nearly as practicable, with previous established streets of the City. "

SECTION 2. That the Mayor is authorized and instructed to publish a copy of this Resolution in a newspaper published in the City of Austin as notice of the intention of the City Council to submit at an election the certain amendments to the Charter of the City of Austin hereinbefore set out; and said copy of this Resolution when marked "NOTICE OF INTENTION TO SUBMIT CHARTER AMENDMENTS", signed by the Mayor, and attested by the City Clerk, and published as herein provided, shall be due notice thereof.

SECTION 3. That said notice shall be published in a newspaper published in the City of Austin for ten days, the first publication of which shall be twenty days prior to the date on which the proposed ordinance is to be passed as set out in Section 1 of this Resolution.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller
Nees : None
Absent: Councilman Thornberry

Pursuant to published notice thereof, the public hearing on the application of W. W. Patterson and Lem Scarbrough to amend the Zoning Ordinance in the following particulars:

To amend the USE designation of the following described property so as to change the same from "A" Residence District to "C" Commercial District, to-wit:

Lots 3 and 4, Block 15, and Lots 13 and 14, Block 4,
The Highlands, located on the west side of Duval Street
north and south of East 51st Street, in the City of
Austin, Travis County, Texas,

was duly opened.

The following appeared and spoke in favor of the change:

Woodrow Patterson, proponent, plead for the change on the grounds that these lots adjoin commercial zones on the southwest and northwest corners of the intersection of Duval and East 51st Streets, and that an extension of the commercial area is needed to permit a more desirable development of the property and to provide off-street parking.

M. H. Crockett, property owner, stated that he was in favor of the change as it was a desirable location for business and was needed by the neighborhood.

The following appeared and spoke in opposition to the change:

E. R. Halden opposed the change on the grounds that there were undeveloped commercial areas closer in and he saw no reason to extend business out that far, and that there was no need for additional commercial property in this neighborhood.

O. E. Jordan opposed the change on the grounds that he is more affected by it than anyone else; that he bought his property twelve years ago and built a home there and is very proud of it; that he saw no reason why this zone should be changed as there is a community center within three blocks; that a grocery store there would result in garbage cans back of him; that proponents should have bought commercial property to start with; and that there are quite a few people against the change.

No other property owner or interested citizen desiring to be heard, the Council took the matter under advisement for an inspection of the property.

Pursuant to published notice thereof, the public hearing on the application of the Zoning Board of Adjustment to amend the Zoning Ordinance and the Zoning Maps of the City of Austin so that the USE designation of the following described property, except such portions as may already be classified "D" Industrial District, will be changed from its present classification to "D" Industrial District:

That certain tract of land in the City of Austin, Travis County, Texas, described as follows:

Beginning at a point of intersection of the east line of Pleasant Valley Road with the north line of East First Street;

Thence in a northerly direction with the east line of Pleasant Valley Road to its intersection with the south line of Lyons Road;

Thence in an easterly direction with the south line of Lyons Road to its intersection with the present corporate limits of the City of Austin;

Thence in a southerly direction with the present corporate limits of the City of Austin to its intersection with the north line of East First Street;

Thence in a westerly direction with the said north line of East First Street to the place of beginning,

was duly opened.

A large group of citizens appeared and indorsed the change.

No one appeared to protest the change.

Thereupon, Councilman Bartholomew moved, seconded by Councilman Johnson, that the hearing be closed and the change be granted; and the City Attorney be instructed to prepare the ordinance. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller

Noes : None

Absent: Councilman Thornberry absent.

The application of M. H. Crockett for change in zoning, from "C" Commercial to "D" Industrial Districts, of property located along the railroad and

along Airport Boulevard north of 53rd Street, was received; and the matter was referred to the Board of Adjustment for consideration and recommendation.

The application of R. J. Long for change in zoning, from "C" Commercial District to "D" Industrial District, of property located at the intersection of Airport Boulevard and Middle Fiskville Road was received; and the matter was referred to the Board of Adjustment for consideration and recommendation.

The application of Walter Tips Company, by Dan F. Searight, for change in zoning, from "A" Residence District to "D" Industrial District, of a tract of land lying south of the East 7th Street Extension and bounded on the south by property of the Wm. Cameron Company, on the east by Pleasant Valley Road, and on the west by Calles Street, was received; and the matter was referred to the Board of Adjustment for consideration and recommendation.

The application of J. C. Powell for change in zoning, from "A" Residence District to "C" Commercial District, of property south of the Colorado River between Lamar Boulevard and Fredericksburg Road, Isaac Decker League, Lot 3, Map 111 of 3.09 acres, was received; and the matter was referred to the Board of Adjustment for consideration and recommendation.

The application of Henry Wendlandt for change in zoning, from "A" Residence District to "C" Commercial District, of the north 150 feet of 2.61 acres, Outlet 59, Division "B", located on East 12th Street at Singleton Avenue, was received; and the matter was referred to the Board of Adjustment for consideration and recommendation.

The application of A. Casiraghi for change in zoning, from "A" Residence District to "C-2" Commercial District, of Lots 10, 11, 12, Block 3, Martin's Subdivision, Plat 97, located at 1901 West 10th Street, was received; and the matter was referred to the Board of Adjustment for consideration and recommendation.

J. L. Grimes, Jr., electrician, appeared and registered a complaint against the Electric Department for permitting the use of romax as a substitute for conduit in the installation of electrical wiring on jobs, declaring that same was in violation of the Electrical Ordinance and was not approved by the Electrical Board.

Councilman Glass introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED:
"AN ORDINANCE PRESCRIBING REGULATORY MEASURES PERTAIN-
ING TO ELECTRICAL WORK IN THE CITY OF AUSTIN; CREATING
AN ELECTRICAL BOARD AND PROVIDING FOR APPOINTMENT OF
ITS MEMBERS, AND FIXING THE DUTIES AND POWERS OF SAID
BOARD; PROVIDING FOR APPEAL FROM THE DECISION OF SAID
BOARD; PROVIDING FOR THE ISSUANCE OF LICENSES TO MASTER
ELECTRICIANS, BUILDING OWNERS, SIGN MANUFACTURERS, MOTION
PICTURE OPERATORS, REPAIR SERVICES, EQUIPMENT MANUFACTURERS,
SPECIALIZED SERVICES AND MAINTENANCE ELECTRICIANS, AND FOR
THE REGISTRATION OF JOURNEYMAN ELECTRICIANS; PROVIDING FOR
FEES, BONDS AND THE KEEPING OF RECORDS, AND FOR THE REVOCATION
OF LICENSES AND CERTIFICATES; PROVIDING FOR ELECTRICAL
INSPECTORS AND PRESCRIBING THE DUTIES AND POWERS OF SAID

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OFFICERS; PROVIDING FOR THE ISSUANCE OF PERMITS FOR ELECTRICAL WORK AND THE INSPECTION THEREOF, AND FIXING THE FEES FOR SUCH INSPECTION; PROMULGATING RULES AND REGULATIONS TO GOVERN ALL ELECTRICAL WIRING, CONSTRUCTION, INSTALLATION, ALTERATIONS, REPAIRS, OPERATION AND MAINTENANCE OF ELECTRICAL WIRING APPARATUS AND FIXTURES; REGULATING THE OPERATION OF MOTION PICTURE PROJECTORS AND MAINTENANCE OF MOTION PICTURE PROJECTION BOOTHS; PROVIDING PENALTIES FOR THE VIOLATION OF THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SAVING CLAUSE; REPEALING CONFLICTING ORDINANCES, AND DECLARING AN EMERGENCY, PASSED BY THE CITY COUNCIL MARCH 1, 1939, AND RECORDED IN BOOK "K", PAGES 460-486, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY AMENDING THE DEFINITION OF THE WORD "DWELLING" in Section 1(c) OF SAID ORDINANCE; AND SUSPENDING THE RULE REQUIRING THIS ORDINANCE TO BE READ ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman Glass moved that the ordinance be passed to its second reading and laid over. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller

Noes : None

Absent: Councilman Thornberry

A public hearing on the above ordinance was set for Thursday, June 3, at 2:30 P. M., and the Director of Utilities was instructed to notify all electrical contractors of same.

The following report of the Board of Adjustment was received:

ZONING BOARD OF ADJUSTMENT
AUSTIN, TEXAS
ZONING CHANGE RECOMMENDATION .

Applicant : T. H. Williams, Jr.

I. Referred to the Board by the City Council on : May 13, 1948

II. Property affected:

Lots 5 and 6, Block 75, of the Original City, being located at the southwest corner of West 7th and Nueces Streets.

III. To be changed

From : "B" Residence District and Second Height and Area District

To : "C" Commercial District and Second Height and Area District

IV. Considered by the Board on : May 25, 1948

V. Parties appearing:

For : T. H. Williams, Jr., and Jas. H. Hart

Against: Douglas Cooper, R. T. Badger, Mrs. H. E. Ford, Mr. and Mrs.
Henry Maerki for themselves and Mrs. R. G. West

- VI. Action of the Board: Change recommended to also include Lots 7 and 8 of this block, being the north half of Block 75 on the south side of West 7th Street from Rio Grande Street to Nueces Street

For the following reasons:

Nueces and West 7th

1. This application is for a change on the northeast quarter of a block of which the south half is now zoned "C" Commercial for the purpose of replacing an old residential building with commercial enterprises and the applicant affirms that the property is not suitable for residential use since the trend of development in this area is toward commercial. The remainder of the block to the south of this property fronting on West 6th Street is now zoned as "C" Commercial.
2. Opposition to the proposed change was expressed by several owners of adjacent property on the grounds that they had maintained their homes in this area for a long period of time and could not see a trend of business on 7th Street which is definitely a residential street, that there is no necessity for a commercial business on this corner, and that traffic congestion would be increased if a business is established.
3. A study of existing development in this block shows that the residential buildings were constructed many years ago and have, therefore, greatly depreciated and become more or less obsolescent. The Board deemed that the fact that the property is now occupied by such residences does not necessarily mean that its residential character will persist indefinitely due to the fact that the demand for commercial property toward the west along 7th Street is increasing and that ultimately most of the north side of 7th Street between West Avenue and Guadalupe Street and all of the south side will cease to be a residential street.
4. The Board further deemed that not only the property mentioned in the application but also the remainder of this block now zoned "B" Residence should be zoned "C" Commercial.

(Sgd) H. F. Kuehne
Chairman. #

Councilman Glass moved that a public hearing on the above change in zoning be called for Thursday, June 17, 1948, at 11:00 A. M. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller
Noes : None
Absent: Councilman Thornberry

The following report of the Board of Adjustment was received:

#ZONING BOARD OF ADJUSTMENT
AUSTIN, TEXAS
ZONING CHANGE RECOMMENDATION .

Applicant: Harry S. Wilder

- I. Referred to the Board by the City Council on : May 13, 1948
- II. Property affected:

Lots 13, 14 and 15, Wilder Addition, Section 1, and a tract 143'x176.84' east of these lots as shown on the attached plat, located in the Susan E. Hancock Subdivision of Geo. W. Spear League
- III. To be changed

From : "A" Residence District and First Height and Area District
To : "C" Commercial District and First Height and Area District
- IV. Considered by the Board on : May 25, 1948
- V. Parties appearing:

For : Harry S. Wilder
Against:None
- VI. Action of the Board : Change recommended as requested in the amended application and as listed below.

For the following reasons:

Koenig Lane and Woodrow Avenue

1. This application is for a change on two lots at the southeast corner and two at the southwest corner of Woodrow Avenue and Koenig Lane to permit the development of a Community Center to serve this section of the City, several new subdivisions having recently been opened and partially developed.
2. Mr. Clarence McCullough, representing the owner of a subdivision located north of this property, appeared and requested that four of their lots at the northeast and northwest corners of this intersection be included in the change, thereby making a Community Center of all four corners of the intersection.
3. After a study of this section of the City and the need of a Community Center, the Board deemed that the establishment of a commercial zoning on all sides of this intersection would be contrary to all principals of zoning and planning and would

create traffic congestion at the intersection of two major thoroughfares, Woodrow Avenue being a through north and south street to connect with subdivisions north of this property. Planning and zoning authorities are now fully agreed upon the principle that community areas should not be placed on opposite sides of major streets or thoroughfares requiring the closing of these lines of traffic for access to the commercial developments and that the most desirable arrangement is to provide sufficient length and depth on one side of a street or thoroughfare for the development of community centers where ample parking can be provided with restricted egress and ingress to such parking areas, thus avoiding traffic congestion and hazard and interruption of the flow of through traffic which does not use the community center.

4. In a discussion with the applicant, it was agreed that this application would be amended to include the property at the southeast corner with an additional lot on the south and also to include a tract 143'x176.48' east of this property which would extend to Roosevelt Avenue which is to be opened when the remainder of the property is subdivided, and to abandon the change on the property on the opposite side of Woodrow Avenue, thus confining the Community Center to an integrated area with ample parking facilities.
5. The Board, therefore, deemed that the amended application would be more desirable and better planning and zoning, and should be established since there is a definite need for a Community Center for this area, but that the property to the north of Koenig Lane should remain residential and any future Community Center serving Violet Crown Subdivision and other developments north of Koenig Lane should be more centrally located to serve this future expansion of residential development.

(Sgd) H. F. Kuehne
Chairman

Councilman Bartholomew moved that a public hearing on the above change in zoning be called for Thursday, June 17, 1948, at 11:00 A. M. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller

Noes : None

Absent: Councilman Thornberry

The following report of the Board of Adjustment was received:

"ZONING BOARD OF ADJUSTMENT
AUSTIN, TEXAS
ZONING CHANGE RECOMMENDATION

Applicant: Barney P. Slaughter for the United Builders

- I. Referred to the Board by the City Council on; May 13, 1948
- II. Property affected:

Lots 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18, Block B, Bluff View Addition, being located at the intersection of Josephine and Hillmont Streets.

III. To be changed

From : "B" Residence District and Second Height and Area District

To : "A" Residence District and First Height and Area District

IV. Considered by the Board on : May 25, 1948

V. Parties appearing:

For : None

Against: None

VI. Action of the Board : Change recommended

For the following reasons:

Bluff View

1. This application is for a change of zoning on twelve lots in Bluff View Subdivision which were designated as "B" Residence at the request of the subdivider when the subdivision was first opened for development, and the owner is now asking that the property be changed back to "A" Residence District to restrict all development in the entire subdivision to one type of occupancy.
2. The applicant explained that all property which would be affected by this change had been sold with the understanding that the request for change of zoning would be made.
3. The Board deemed that this change is proper since it is the judgment of the Board that all property on the plateau south of Barton Springs Road and west of Fredericksburg Road should have an "A" Residence District classification.

(Sgd) H. F. Kuehne
Chairman. "

Councilman Bartholomew moved that a public hearing on the above change in zoning be called for Thursday, June 17, 1948, at 11:00 A. M. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller

Noes : None

Absent: Councilman Thornberry

Councilman Bartholomew moved that a public hearing on the application of Mrs. Kathleen Pratt for change in zoning, from "A" Residence District to "B-1" Residence District, of Lot 5, Outlot 64, Division "D", located on

the west side of Salado Street 330' south of West 28th Street be called for Thursday, June 17, 1948, at 11:00 A. M. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller

Noes : None

Absent: Councilman Thornberry

Councilman Bartholomew moved that a public hearing on the application of George W. Bickler for change in zoning, from "A" Residence District to "B-1" Residence District, of Lot A(110'x114'), Outlot 64, Division "D", located at the southeast corner of West 28th Street and San Pedro Street, be called for Thursday, June 17, 1948, at 11:00 A. M. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller

Noes : None

Absent: Councilman Thornberry

Councilman Glass introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 17, 1941, AND RECORDED IN ORDINANCE BOOK "L", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL APRIL 23, 1931, AND RECORDED IN ORDINANCE BOOK "I", PAGES 301-318, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY CHANGING THE USE DESIGNATION FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL DISTRICT AND FIRST HEIGHT AND AREA DISTRICT ON LOTS 14, 15, AND 16, BLOCK M, BOULDIN ADDITION, AND CHANGING THE USE DESIGNATION FROM "B" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL DISTRICT AND FIRST HEIGHT AND AREA DISTRICT ON CERTAIN LOTS OUT OF BLOCKS 113, 140, AND 141, ORIGINAL CITY, ALL IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; ORDERING A CHANGE IN THE USE MAPS SO AS TO RECORD THE CHANGES HEREBY ORDERED; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Glass moved that the rule be suspended and the ordinance be passed to its second reading. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller

Noes : None

Absent: Councilman Thornberry

The ordinance was read the second time and Councilman Glass moved that the rule be further suspended and the ordinance be passed to its third reading. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller

Noes : None

Absent: Councilman Thornberry

The ordinance was read the third time and Councilman Glass moved that the ordinance be finally passed. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller

Noes : None

Absent: Councilman Thornberry

Thereupon Mayor Miller announced that the ordinance had been finally passed.

The following memorandum was submitted by the City Manager:

" May 26, 1948

Memorandum to : Guiton Morgan, City Manager

Memorandum from: J. E. Motheral, Director of Public Works

The final subdivision plat of Schieffer Place Subdivision has been completed and was approved by the City Plan Commission on May 13, 1948. We have memoranda from water, sewer, gas, and street superintendents stating that the subdivider has complied with their respective parts of the subdivision regulations.

It is recommended that this plat be formally accepted by the City Council.

(Sgd) J. E. Motheral

Approved:

(Sgd) Guiton Morgan, City Manager "

Councilman Johnson then offered the following resolution; and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the final plat of the subdivision known as "Schieffer Place Subdivision", approved by the City Plan Commission of the City of Austin on May 13, 1948, be and the same is hereby accepted and authorized to be filed of record in the office of the County Clerk of Travis County, Texas, in accordance with the provisions of the laws of the State of Texas and the ordinances of the City of Austin, and that this action of the City Council be indicated by appropriate notation, signed by the Mayor, on the original plat of said subdivision prior to its recording in the Plat Records of Travis County, Texas.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller

Noes : None

Absent: Councilman Thornberry

The following memorandum was submitted by the City Manager:

May 27, 1948

Memorandum to : Guiton Morgan, City Manager

Memorandum from : J. E. Motheral, Director of Public Works

The final subdivision plat of Giles Place No. 2 has been completed and was approved by the City Plan Commission on May 19, 1948. We have memoranda from water, sewer, gas, and street superintendents stating that the subdivider has complied with their respective parts of the subdivision regulations.

It is recommended that this plat be formally accepted by the City Council.

(Sgd) J. E. Motheral

Approved:

(Sgd) Guiton Morgan
City Manager

Councilman Johnson then offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the final plat of the subdivision known as "Giles Place No. 2", approved by the City Plan Commission of the City of Austin on May 19, 1948, be and the same is hereby accepted and authorized to be filed of record in the office of the County Clerk of Travis County, Texas, in accordance with the provisions of the laws of the State of Texas and the ordinances of the City of Austin, and that this action of the City Council be indicated by appropriate notation, signed by the Mayor, on the original plat of said subdivision prior to its recording in the Plat Records of Travis County, Texas.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller

Noes : None

Absent: Councilman Thornberry

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Stanley C. Stemen is the Contractor for the remodeling of a building located at 609 West 6th Street and desires a portion of the

sidewalk space abutting the west 38' of Lot 6, Block 50, of the Original City of Austin, Travis County, Texas, during the remodeling of the building, such space to be used in the work and for the storage of materials therefor; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT space for the uses hereinabove enumerated be granted to said Stanley C. Stemen, the boundary of which is described as follows:

Sidewalk Working Space

Beginning at the northwest corner of the above described property; thence in a northerly direction and at right angles to the centerline of West 6th Street to a point 4 feet south of the south curb line; thence in an easterly direction and parallel to the centerline of West 6th Street approximately 38 feet to a point; thence in a southerly direction and at right angles to the centerline of West 6th Street to the northeast corner of the above described property.

THAT the above privileges and allotment of space are granted to the said Stanley C. Stemen, hereinafter termed "Contractor", upon the following express terms and conditions:

(1) That the Contractor shall construct a guard rail within the boundary line along the east, west and north sides of the above described space, such guard rail to be at least 4 feet high and substantially braced and anchored. The Contractor will be permitted to put a gate in the barricade that will either open in or slide parallel to the barricades, and at all times that material is being delivered or taken away from the building, a watchman shall be provided to warn pedestrians of approaching danger. The Contractor will also be permitted to use one parking meter space immediately in front of the entrance in the barricade, for the delivery or removal of materials during construction work.

(2) That the Contractor shall in no way obstruct any fire plugs or other public utilities in the construction of such barricades.

(3) That provisions shall be made for the normal flow of all storm waters in the gutter, and the Contractor will be responsible for any damage done due to obstruction of any such storm water.

(4) That the Contractor shall place on the outside corners of any walkway, barricades or obstructions, red lights during all periods of darkness, and provide lighting system for all tunnels.

(5) That the Contractor shall remove all fences, barricades, loose materials, and other obstructions on the sidewalk and street immediately after the necessity for their existence on said sidewalk or street has ceased, such time to be determined by the City Manager, and in any event all such sidewalk barricades, materials, equipment, and other obstructions shall be removed not later than June 15, 1948.

(6) That the City reserves the right to revoke at any time any and all the privileges herein granted, or to require the erection or installation of additional barriers or safeguards if the conditions demand it.

(7) That the use and enjoyment of the spaces herein granted shall not be exclusive as against public needs, and the City, in making such grant, reserves the right to enter and occupy any part or all of said space any time with its public utilities, or for other necessary public purposes.

(8) That any public utility, or public or private property, disturbed or injured as a result of any of the activities necessary for the completion of the construction work for said building projects, whether done by the Contractor, City forces, or public utilities, shall be replaced or repaired at the Contractor's expense.

(9) That the Contractor shall furnish the City of Austin a surety bond in the sum of One Thousand Dollars (\$1,000.00), which shall protect, indemnify, and hold harmless the City of Austin from any claims for damages to any person or property that may accrue to or be brought by any person by reason of the exercise or abuse of the privileges granted the Contractor by the City of Austin, and shall guarantee the replacement of all sidewalks, pavement, and all other public property and public utilities disturbed or removed during the construction work, and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller

Noes : None

Absent: Councilman Thornberry

Councilman Glass offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, by virtue of an order of sale issued May 16, 1903, out of the District Court of Travis County, Texas, in Cause No. 20,354, styled City of Austin v. Jacob Smith, a tract of land 80' x 210' of Abstract 697, Survey 7, George W. Spear League, was sold for taxes by the Sheriff of Travis County, Texas, to the City of Austin; and

WHEREAS, said 80' x 210' tract of land has been subdivided into two tracts of land, namely: the West 69.91' x 209.72' and the East 10.09' x 209.72', of Abstract 697, Survey 7, George W. Spear League; and

WHEREAS, the taxes on said East 10.09' x 209.72', Abstract 697, Survey 7, George W. Spear League have been fully paid; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager be and he is hereby authorized and directed to execute a quitclaim deed for and on behalf of the City of Austin to

M. H. Flournoy, and to his successors in title, conveying all right, title, and interest of the City of Austin in and to the East 10.09' x 209.72', Abstract 697, Survey 7, George W. Spear League, in the City of Austin, Travis County, Texas.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller

Noes : None

Absent: Councilman Thornberry

Councilman Glass offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, by virtue of an order of sale issued May 16, 1903, out of the District Court of Travis County, Texas, in Cause No. 20,354, styled City of Austin v. Jacob Smith, a tract of land 80'x210' of Abstract 697, Survey 7, George W. Spear League, was sold for taxes by the Sheriff of Travis County, Texas, to the City of Austin; and

WHEREAS, said 80'x210' tract of land has been subdivided into two tracts of land, namely: the West 69.91'x209.72' and the East 10.09'x209.72' of Abstract 697, Survey 7, George W. Spear League; and

WHEREAS, the taxes on said West 69.91'x209.72', Abstract 697, Survey 7, George W. Spear League have been fully paid; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager be and he is hereby authorized and directed to execute a quitclaim deed for and on behalf of the City of Austin to W. W. Gates, and to his successors in title, conveying all right, title, and interest of the City of Austin in and to the West 69.91'x209.72', Abstract 697, Survey 7, George W. Spear League, in the City of Austin, Travis County, Texas.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller

Noes : None

Absent: Councilman Thornberry

Councilman Bartholomew moved that the appointment by the City Manager of R. D. Thorp, as Chief of Police, and John E. Woody, as Chief of the Fire Department, in accordance with the provisions of the Firemen's and Policemen's Civil Service Act passed by the Regular Session of the 50th Legislature and known as House Bill 34, be confirmed. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller

Noes : None

Absent: Councilman Thornberry

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager be and he is hereby authorized and directed to enter into a contract on behalf of the City of Austin with T. C. Womack for the laying of certain water mains and other pipes in Ford Place No. 1, all in accordance with the terms and provisions of a certain contract, a copy of which is attached to this Resolution and made a part hereof for all purposes.

(Copy of Contract attached)

THE STATE OF TEXAS :

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF TRAVIS :

This contract made and entered into by and between the City of Austin, a municipal corporation situated in Travis County, Texas, and T.C.Womack, of the County of Travis and State of Texas, W I T N E S S E T H :

I.

For the consideration hereinafter stated, the City of Austin agrees to furnish all labor, tools, equipment, implements, appliances and materials necessary to lay, and agrees to lay certain water mains and other pipes in accordance with plans and specifications prepared or approved by the Director of Utilities and the Director of Public Works of the City of Austin, in the streets and at the locations described as follows:

Six-inch (6") cast iron water mains in Ford Place #1, Travis County, Texas, to be located as follows:

In Redd Street, from Russell Street to Merle Drive, a distance of approximately 430'.

Two-inch (2") cast iron water main in Ford Place #1, Travis County, Texas, to be located as follows:

In Merle Drive, from the south line of Ford Place #1 to Cul-de-sac, a distance of approximately 1330'.

II.

It is estimated that the work described in Paragraph I will cost the sum of Two Thousand Two Hundred and Ninety-five Dollars (\$2,295.00) when completed, and T. C. Wommack, in consideration of the benefits to be derived by him and his successors from the improvements above described, agrees to deposit such sum of money with the City of Austin prior to the commencement of such work. The contributors with T. C. Wommack

are: Earl R. Curry, Mrs. Charles Weber, Bert H. Allen, Mrs. Clarence Clay Miles, Bert Ford, G. Y. Stallings, Francis H. Willman, Mrs. Milton W. Grams, Watson C. Arnold, John D. Barton, Mrs. T. O. Lang, Mrs. Alvin W. Sanders, Mrs. T. O. Lang, and F. R. Ford.

III

Within a reasonable time after the deposit of such sum of money as provided in Paragraph II, the City of Austin agrees to commence construction of the improvements described in Paragraph I, and to prosecute said work in a good and workmanlike manner and with reasonable diligence until fully completed; but delays occasioned by matters and events over which the City has no control shall be excepted and not included in the time reasonably required to complete the work.

IV.

The deposit provided for in Paragraph II is an estimate only of the cost of constructing the improvements described in Paragraph I, and it is agreed that if the actual cost of such work is less than the amount so deposited, the City of Austin, after the work is completed, will refund to T. C. Wommack the difference between the actual cost and the estimated cost of such work, but if the actual cost of such work shall exceed the amount of such deposit, T. C. Wommack agrees, upon notice from the City, immediately to deposit an additional sum to make up the difference between the estimated cost and the actual cost of the work. The amount of actual cost of the work shall in any event be retained by the City and shall not be refunded.

V.

It is agreed that title to all such improvements herein provided for shall be and remain in the City of Austin, and the City may make such repairs, changes and connections therewith as may be proper or necessary to the orderly conduct of its water system.

VI.

T. C. Wommack further agrees to obtain for the City of Austin, or to obtain and transfer to the City of Austin, all easements across private property which may be necessary for the construction of the improvements herein provided for, and for the connection of such improvements with the present water system of the City.

VII.

Upon completion of said improvements, City of Austin agrees to connect such water mains with its water system, and thereafter to maintain them as a part of such system.

IN TESTIMONY WHEREOF, the City of Austin has caused this instrument to be executed in duplicate by its City Manager, attested by its City Clerk, with its Corporate Seal affixed, and the said T. C. Wommack has executed this instrument in duplicate this the ____ day of _____, 1948.

CITY OF AUSTIN

Attest:

By

City Manager_____
City Clerk_____
T. C. Wommack

Approved:

Director of Utilities_____
Director of Public Works_____
City Attorney

Which motion, carrying with it the adoption of the resolution,
carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller

Noes : None

Absent: Councilman Thornberry

Councilman Johnson offered the following resolution and moved its
adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager be and he is hereby authorized and directed
to enter into a contract on behalf of the City of Austin with Rogan B. Giles,
for the laying of certain water mains and sanitary sewer mains and other
pipes in Giles Place, Section II, Subdivision, in accordance with the terms
and provisions of a certain contract, a copy of which is attached to this
resolution and made a part hereof for all purposes.

(Copy of Contract attached)

THE STATE OF TEXAS :

COUNTY OF TRAVIS : KNOW ALL MEN BY THESE PRESENTS:

This contract made and entered into by and between the City of Austin,
a municipal corporation situated in Travis County, Texas, hereinafter for
convenience sometimes called the City, and Rogan B. Giles, of Travis County,
State of Texas, hereinafter for convenience sometimes called the Customer;
W I T N E S S E T H :

I.

(a) The City of Austin for the consideration hereinafter stated agrees to furnish all labor, tools, equipment, implements, appliances, and materials necessary to lay and agrees to lay the certain water mains and other pipes in Giles Place, Section II, Subdivision on the streets and at the locations described as follows:

Six-inch (6") cast iron water mains on Vineland Drive, from Giles Street south approximately 240' on Basford Road, from East 38 $\frac{1}{2}$ Street to Grayson Lane; on Grayson Lane, from East 38 $\frac{1}{2}$ Street to Basford Road; on East 38 $\frac{1}{2}$ Street, from Vineland Drive to Grayson Lane; on Barton Road, from Grayson Lane to Manor Road.

Two-inch (2") cast iron water main on Vineland Drive, at the southern extremity, a distance of approximately 145'.

(b) The City of Austin for the consideration hereinafter stated agrees to furnish all labor, tools, equipment, implements, appliances and materials necessary to lay and agrees to lay the certain sanitary sewer mains and other sewer pipes in Giles Place, Section II, Subdivision on the streets and easements at the locations described as follows:

Sewer mains in Vineland Drive, from Giles Street south; on Basford Road, from East 38 $\frac{1}{2}$ Street to Grayson Lane; Grayson Lane, from East 38 $\frac{1}{2}$ Street to Basford Road; in Barton Road, from Grayson Drive to Manor Road; in Manor Road, from Boggy Creek to Barton Road; in Easement, from Boggy Creek to Basford Road.

II.

It is estimated that all the work contemplated under Paragraph I above will cost the sum of Fourteen Thousand Four Hundred and Fifty Dollars (\$14,450.00) when completed, of which cost the sum of Seven Thousand Nine Hundred and Fifty Dollars (\$7,950.00) is estimated to be the cost of the water lines and the sum of Sixty-five Hundred Dollars (\$6500.00) is estimated to be the cost of the sewer lines; and the Customer in consideration of the foregoing obligations to the City, which are assumed for the benefits of the Customer in order to furnish water service and sewer to him, agrees to deposit the sum of Fourteen Thousand Four Hundred and Fifty Dollars (\$14,450.00) with the City of Austin prior to commencement of the work.

III.

Within a reasonable time after deposit of the sum or sums of money as provided in Paragraph II, the City of Austin agrees to commence construction of the utility improvements described in Paragraph I and to prosecute said work in a good and workmanlike manner and with reasonable diligence until fully completed; but delays occasioned by matters and events over which the City has no control shall be excepted and not included in the time reasonably required to complete the work.

IV.

The deposit provided for in Paragraph II is an estimate only of the cost of constructing the utility improvements described in Paragraph I; and it is agreed that if the actual cost of such work is less than the amount deposited by the Customer, the City of Austin after the work is completed will refund to the Customer the difference between the actual cost and the estimated cost of such work, but if the actual cost of such work shall exceed the amount of such deposit, the Customer agrees upon notice from the City immediately to deposit an additional sum to make up the difference between the estimated cost and the actual cost of the work.

V.

Immediately after completion of the utility improvements described in Paragraph I, the City of Austin will furnish to the Customer a statement of such costs, together with the date of completion of the work; and the City of Austin is hereby authorized, through its officers or agents, to note on this contract the correct figure stating the actual cost of such work and the date of completion.

VI.

It is agreed that the Customer shall be reimbursed for the money deposited as provided in Paragraph II above in the following manner:

Within sixty (60) days after the first day of January following completion of the work described in Paragraph I, the City shall pay to the Customer a sum equal to twice the gross amount of income realized by the City from the service and sale of water for usual, customary, and normal domestic, commercial, and industrial uses to customers having a direct connection with the water mains and sewer lines, described above, for the period of time immediately preceding the first day of January; and within sixty (60) days after the first day of January of each succeeding year the City agrees to pay to the Customer a sum equal to twice the gross income realized by the City during the preceding calendar year from the service and sale of water from said water lines for usual, customary, and normal domestic, commercial and industrial uses to customers having a direct connection with said water mains and sewer lines, until the total amount of the cost of construction of the utility improvements has been repaid; but in no event shall the City make such payments for a period of time longer than ten (10) years from the date of completion of said work (as such date is noted hereon under provisions of Paragraph V), even though the full cost of such work at the end of said time has not been refunded in full to the Customer; and if at any time before the expiration of said ten (10) year period the principal sum of such cost has been repaid, further payment shall cease.

VII.

It is agreed that the City may make such repairs and changes in all of said utility improvements, pipes, hydrants, and connections necessary to the orderly conduct of proper utility systems. Title to all said utility improvements shall be and remain at all times in the City of Austin.

VIII.

It is agreed that this contract is made with reference to the existing charter and ordinances of the City of Austin and laws of the State of Texas pertaining to all matters affecting this contract, and the Customer agrees to comply with all provisions of such laws, ordinances and charter.

IX.

It is agreed that the City of Austin may at its option retain any part or all of the deposit made by the Customer in compliance with Paragraphs II and IV of this contract and refuse to make the payments and refunds provided for in Paragraphs IV and VI of this contract in the event the Customer shall fail or refuse to comply substantially with any obligation lawfully imposed on the City of Austin regulating the platting, planning, and development of subdivisions within the City of Austin.

IN TESTIMONY WHEREOF, the City of Austin has caused this instrument to be executed in duplicate by its City Manager, attested by its City Clerk, with its corporate seal affixed, and the said Rogan B. Giles has executed this instrument in duplicate, this the ____ day of _____, 1948.

CITY OF AUSTIN

Attest:

By _____
City Manager_____
City Clerk_____
Rogan B. Giles

Approved:

Director of Utilities_____
Director of Public Works_____
City Attorney

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller

Noes : None

Absent: Councilman Thornberry

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager be and he is hereby authorized and directed

to enter into a contract on behalf of the City of Austin with E.G.Kingsbery, for the laying of certain water mains and other pipes in Monterrey Subdivision, in accordance with the terms and provisions of a certain contract, a copy of which is attached to this Resolution and made a part hereof for all purposes.

(Copy of Contract attached)

THE STATE OF TEXAS :

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF TRAVIS :

This contract made and entered into by and between the City of Austin, a municipal corporation situated in Travis County, Texas, and E.G.Kingsbery, of the County of Travis and State of Texas, W I T N E S S E T H :

I.

For the consideration hereinafter stated, the City of Austin agrees to furnish all labor, tools, equipment, implements, appliances and materials necessary to lay, and agrees to lay certain water mains and other pipes, in accordance with plans and specifications prepared or approved by the Director of Utilities and the Director of Public Works of the City of Austin, in the streets and at the locations described as follows:

Six-inch (6") cast iron water mains in Monterrey Subdivision, Travis County, Texas, to be located as follows:

In Herrera Street, from Highway No. 290 to north side of Lot 8, Block A, a distance of approximately 650'.

Two-inch (2") cast iron water mains in Monterrey Subdivision, Travis County, Texas, to be located as follows:

In Hererra Street, from the north side of Lot 8, Block A, to Hergotz Street, a distance of approximately 230'; in Hergotz Lane, from Hererra Street to Lot 1, Block C.

II.

It is estimated that the work described in Paragraph I will cost the sum of Two Thousand Dollars (\$2,000.00) when completed, and E.G.Kingsbery in consideration of the benefits to be derived by him and his successors from the improvements described above, agrees to deposit such sum of money with the City of Austin prior to the commencement of such work.

III.

Within a reasonable time after the deposit of such sum of money as provided in Paragraph II, the City of Austin agrees to commence construction of the improvements described in Paragraph I, and to prosecute said work in a good and workmanlike manner and with reasonable diligence until

fully completed; but delays occasioned by matters and events over which the City has no control shall be excepted and not included in the time reasonably required to complete the work.

IV.

The deposit provided for in Paragraph II is an estimate only of the cost of constructing the improvements described in Paragraph I, and it is agreed that if the actual cost of such work is less than the amount so deposited, the City of Austin, after the work is completed, will refund to E. G. Kingsbery the difference between the actual cost and the estimated cost of such work, but if the actual cost of such work shall exceed the amount of such deposit, E. G. Kingsbery agrees, upon notice from the City, immediately to deposit an additional sum to make up the difference between the estimated cost and the actual cost of the work. The amount of actual cost of the work shall in any event be retained by the City and shall not be refunded.

V.

It is agreed that title to all such improvements herein provided for shall be and remain in the City of Austin, and the City may make such repairs, changes and connections therewith as may be proper or necessary to the orderly conduct of its water system.

VI.

E. G. Kingsbery further agrees to obtain for the City of Austin, or to obtain and transfer to the City of Austin, all easements across private property which may be necessary for the construction of the improvements herein provided for, and for the connection of such improvements with the present water system of the City.

VII.

Upon completion of said improvements, City of Austin agrees to connect such water mains with its water system, and thereafter to maintain them as a part of such system.

IN TESTIMONY WHEREOF, the City of Austin has caused this instrument to be executed in duplicate by its City Manager, attested by its City Clerk, with its Corporate Seal affixed, and the said E. G. Kingsbery has executed this instrument in duplicate this the ____ day of _____, 1948.

CITY OF AUSTIN

Attest:

By _____
City Manager

City Clerk

E. G. Kingsbery

Approved:

Director of Utilities

Director of Public WorksCity Attorney

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller

Noes : None

Absent: Councilman Thornberry

Councilman Glass offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the Southwestern Bell Telephone Company has presented to the City Council tentative maps or plans showing the proposed construction of its underground telephone conduits in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the Director of Public Works; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the Southwestern Bell Telephone Company be and the same is hereby permitted to construct its underground telephone conduits in the following streets:

An underground telephone conduit in ENFIELD ROAD, from a point 7 feet east of centerline of Hartford Road easterly 32 feet, the centerline of which underground telephone conduit shall be 12 feet south of and parallel to the north property line of said Enfield Road.

That the work and construction of said underground telephone conduit including the excavation of the streets and the restoration and maintenance of said streets after said underground telephone conduit has been constructed, shall be under the supervision and direction of the City Manager and in accordance with the ordinances and regulations of the City of Austin governing such construction.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller

Noes : None

Absent: Councilman Thornberry

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Texas Public Service Company has presented to the City Council tentative maps or plans showing the proposed construction of its

gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Texas Public Service Company be and the same is hereby permitted to lay and construct its gas mains in and upon the following streets:

- (1) A gas main in CASWELL AVENUE, from a point 108 feet north of East 51st Street northerly 156 feet, the centerline of which gas main shall be 15 feet west of and parallel to the east property line of said Caswell Avenue.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (2) A gas main in McCALL ROAD from a point 212 feet south of Indian Trail northerly 95 feet, the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said McCall Road.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (3) A gas main in WEST JAMES STREET from a point 85 feet west of South 3rd Street easterly 46 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said West James Street.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (4) A gas main in WEST 7TH STREET from a point 194 feet east of Wayside Drive easterly 397 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said West 7th Street.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (5) A gas main in JUSTIN LANE from Woodrow Avenue to Arroyo Seca, the centerline of which gas main shall be 6.5 feet south of and parallel to the north property line of said Justin Lane.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (6) A gas main in MEADOWBROOK DRIVE from a point 241 feet south of Gilbert Street northerly 79 feet, the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said Meadowbrook Drive.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

The Texas Public Service Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Texas Public Service Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the Department of Public Works not less than three (3) days before such information is required. The Texas Public Service Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

And that whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

That the work and laying of said gas mains, including the excavation in the streets and the restoration and maintenance of said streets after said mains have been laid, shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchise granted to said Company by the City of Austin.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller
Noes : None
Absent: Councilman Thornberry

The application of JAMES EDGAR CRIDER, 2011 Alta Vista Avenue, for a license to operate as a taxicab a 4-door Chevrolet Sedan, 1946 Model, Motor No. DAA-320603, State License No. JV-6137, duly approved by the City Manager, was submitted. Councilman Johnson moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller
Noes : None
Absent: Councilman Thornberry

The application of WILLIAM ALBERT LANCASTER, 2508 South 5th Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Glass moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller
Noes : None
Absent: Councilman Thornberry

The application of RICHARD CURTIS PALM, 4415 Duval Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Glass moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller
Noes : None
Absent: Councilman Thornberry

Councilman Johnson moved that, upon the recommendation of the Chief of Police, the taxicab driver's permit issued to DUARD L. BISHOP, being Permit #1371, be revoked. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller
Noes : None
Absent: Councilman Thornberry

The application of TRIANGLE GRILL, 2701 Guadalupe Street, for a wine and beer license, duly approved by the City Manager, was submitted. Councilman Glass moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller
Noes : None
Absent: Councilman Thornberry

A petition signed by the property owners abutting Saybrook Lane between the south line of Enfield Road and the north line of Quarry Road, asking that this part of Saybrook Lane be vacated, was received; and action on the matter was deferred to the next regular meeting.

The City Manager submitted the following proposal for architectural services on two fire stations to be constructed, together with his recommendation that same be accepted:

" Austin, Texas
May 24, 1948

Mr. Guiton Morgan
City Manager
City of Austin
Municipal Building
Austin, Texas

Dear Mr. Morgan:

This is to advise that I have discussed the proposed method of handling the architectural services for the two new Neighborhood Fire Stations with Mr. Edwin C. Kreisle, Architect, and we have agreed to submit a proposal for your consideration on the following basis:

Under this proposal the two stations would be handled as separate projects with Mr. Kreisle's office assuming responsibility for one project and the office of Giesecke, Kuehne & Brooks the other.

With the understanding that the architectural plans used for the Windsor Road Fire Station would be reused for the two Fire Stations under consideration, each office would prepare such supplemental drawings such as a site plan and foundation plan, would make such revisions as will be required to adapt the plans to the new site, would revise the specifications as necessary to fit the new work, and would prepare such forms as may be required for the receiving of bids and the awarding of the contract. Each firm agrees to render the services required in connection with this part of the work for the sum of one and one-half per cent (1-1/2%) of the cost of the respective job being handled by that firm.

After the award of contracts, it is further proposed that each office supervise its respective job in the usual manner which would include periodic inspections of the work, the issuing of Certificates of Payment, the keeping of accounts, and the general administration of the business in connection with the execution of the work. For this latter service of supervision each firm proposes the normal fee of two per cent (2%) of the cost of its respective work.

On the above basis the total cost of architectural work to the City for each job will be three and one-half per cent ($3\frac{1}{2}\%$) of the total construction cost which will mean a net saving to the City over the normal fee for complete plans, specifications, and supervision of two and one-half per cent ($2\frac{1}{2}\%$).

We appreciate very much the opportunity of submitting a proposal to you in this connection and believe that the City will be more than justified in repeating the Windsor Road Fire Station at other locations as we feel that this building is ideally suited for the neighborhood station. During a recent visit here of the Fire Chief and City officials of the City of Yoakum, we took them by this particular station to give them an idea of the type of station Austin had built. I was very pleased to see that the building was in perfect condition and showed practically no evidence of deterioration, either inside or outside.

We trust that the above proposal will receive favorable consideration, and we will be happy to proceed with the work as soon as you desire us to do so.

Yours very truly,

(Sgd) Max R. Brooks

For :

cc:
Mr. Edwin Kreisle
Architect
Littlefield Building
Austin, Texas

Giesecke, Kuehne & Brooks
Architects
and
Edwin C. Kreisle
Architect . "

Councilman Bartholomew moved that the foregoing proposal of Giesecke, Kuehne & Brooks, and Edwin C. Kreisle, Architects, be accepted, in accordance with the recommendation of the City Manager; and that the City Manager be authorized to enter into contracts with said firms and call for bids on the construction of said stations as soon as possible. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller
Noes : None
Absent: Councilman Thornberry

The City Manager submitted a petition from City Hall employees asking for a five-day, nine-hour work-week during the months of May through September, together with written recommendations of the Director of Utilities, Finance Director, and Director of Public Works that the plan be adopted on a trial basis. The City Manager recommended that the plan be put into effect on a trial basis, beginning June 9 through August 28.

It was moved by Councilman Bartholomew, seconded by Councilman Johnson, that the City Manager be authorized to grant the foregoing petition of City Hall employees, in accordance with his recommendations. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller

Noes : None

Absent: Councilman Thornberry

The written request of Max McCoun, President of Capitol Rod & Gun Club, for permission to use city property at the lower end of Canadian Street on the Colorado River for a skeet field, was received. It was moved by Councilman Bartholomew that the matter be referred to the City Manager to look into, and to grant the request if it is found that there are no hazards involved. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller

Noes : None

Absent: Councilman Thornberry

The written request of W. M. "Monte" Burt for a five-year lease on part of the sand bar west of Lamar Boulevard and south of West Third Street for use as a driving range and miniature golf links, was received; and the matter was referred to the City Manager and the Legal Department to look into.

A letter from Benton Coopwood tendering his resignation as Judge of the Corporation Court of the City of Austin, effective May 27, 1948, on account of other matters requiring his time and attention, was received. Councilman Johnson moved that the resignation be accepted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller

Noes : None

Absent: Councilman Thornberry

Councilman Glass then moved that E. L. Bauknight be appointed to fill the office of Judge of the Corporation Court temporarily, at the same salary paid the said Benton Coopwood. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller

Noes : None

Absent: Councilman Thornberry

The following certificate of the City Manager on the destruction of certain cancelled bonds of the City of Austin was received and ordered filed:

STATE OF TEXAS :
COUNTY OF TRAVIS
CITY OF AUSTIN :

This is to certify that I have, on this 25th day of May, 1948, as directed by a resolution passed by the City Council of the City of Austin, Texas, and in the presence of the undersigned attesting witnesses, caused the following numbered and otherwise described cancelled bonds to be destroyed by cremation in the City Incinerator, together with sundry cancelled coupons paid by the City of Austin, Texas, on its bonded debt:

YEAR	DESCRIPTION	BONDS		INTEREST COUPONS	TOTAL
		NUMBERS	AMOUNT		
1910	School			\$ 500.00	\$ 500.00
1915	Ridgetop School District			250.00	250.00
1918	School	47- 48	\$ 2,000.00	150.00	2,150.00
1918	Sewage Disposal Plant	141-145	2,500.00	1,500.00	4,000.00
1921	Hospital	22-	1,000.00	540.00	1,540.00
1924	Incinerator	35- 36	2,000.00	750.00	2,750.00
1924	School	160-171	12,000.00	16,750.00	28,750.00
1924	Water Filtration	174-186	13,000.00	6,100.00	19,100.00
1926	School	76- 81	6,000.00	4,061.25	10,061.25
1928	Hospital	Jan. 1 47- 50	4,000.00	2,252.50	6,252.50
1928	School	132-141	10,000.00	7,392.50	17,393.50
1928	Street Improvement	78- 83	6,000.00	4,271.25	10,271.25
1928	Airport	33- 35	3,000.00	1,885.00	4,885.00
1928	Fire Stations	33- 35	3,000.00	1,885.00	4,885.00
1928	Parks & Playgrounds	33- 35	3,000.00	1,882.50	4,882.50
1928	Hospital	Nov. 1 23- 24	2,000.00	1,225.00	3,225.00
1928	Sanitary Sewer	19	1,000.00	255.00	1,255.00
1929	Street Improvement	5-1 208-225	18,000.00	15,081.25	33,081.25
1929	Sanitary Sewer	5-1 100-108	9,000.00	7,220.00	16,220.00
1929	Parks & Playgrounds	5-1 79- 85	7,000.00	5,795.00	12,795.00
1929	Fire Stations	5-1 13	1,000.00	617.50	1,617.50
1929	Street Improvement	12-16 214-233	20,000.00	17,907.50	37,907.50
1929	Sanitary Sewer	12-16 64- 69	6,000.00	5,177.50	11,177.50
1929	Parks & Playgrounds	12-16 55- 59	5,000.00	4,441.25	9,441.25
1929	Abattoir	12-16 28- 29	2,000.00	1,995.00	3,995.00
1931	Street Improvement	234-255	22,000.00	21,755.00	43,755.00
1931	Sanitary Sewer	35- 37	3,000.00	3,063.75	6,063.75
1931	Parks & Playgrounds	67- 72	6,000.00	6,270.00	12,270.00
1932	Library	46- 49	4,000.00	5,150.00	9,150.00
1932	Fire Stations	15	1,000.00	1,775.00	2,775.00
1935	Public Market	34- 37	4,000.00	1,600.00	5,600.00
1936	School	151-167	17,000.00	5,745.00	22,745.00
1936	Parks & Playgrounds	38- 41	4,000.00	690.00	4,690.00
1937	Fire Stations	46- 50	5,000.00	1,512.50	6,512.50
1938	School Refunding	41- 45	5,000.00	750.00	5,750.00
1938	School	129-146	18,000.00	6,125.00	24,125.00
1939	School	112-128	17,000.00	5,440.00	22,440.00
1940	Hospital	115-135	21,000.00	6,327.50	27,327.50
1942	Airport	75- 94	20,000.00	7,080.00	27,080.00
1947	Airport Hangars & Imp.			133.19	133.19
1947	Electric Plant & System			1,752.97	1,752.97
1947	Highway Rights-of-way			2,674.82	2,674.82
1947	Parks, Playgrounds & Rec.			132.59	132.59
1947	Sanitary Sewerage System			2,576.62	2,576.62
1947	School			5,661.73	5,661.73
1947	Street Improvements			1,043.79	1,043.79
1947	Water Plan & System			908.08	908.08
			<u>\$285,500.00</u>	<u>\$198,052.54</u>	<u>\$483,552.54</u>

* Public Library Coupon #30, Bond #150

Witnesses:

(Sgd) Will T. Johnson
J. D. Hoffman, Jr.

(Sgd) Guiton Morgan
City Manager
City of Austin, Texas.

Upon motion, seconded and carried, the meeting was then recessed,
subject to call of the Mayor.

Approved: Tom Miller.
MAYOR

Attest:

Helene M. Keller
CITY CLERK